Cabauatan vs Atty. Venida
A.C. No. 10043, November 20, 2013

Facts:

Aurora H. Cabauatan, Complainant, is an appellant of a civil case that was originally handled by a different lawyer but she decided to change her counsel and engaged the services of Atty. Freddie A. Venida,the Respondent.

From the order itself, it was obvious that Respondent did not submit any pleading with the Court of Appeals. Complainant was followig up on the case with him and the latter assured that he was doing his best in dealing with the case, nevertheless, later on Complainant lost contact with him. Respondent did furnish Complainant, a copy of "Appearance as Counsel/Dismissal of the previous Counsel and Motion for Extension of time to file a Memorandum, however, no further actions were made by the Respondent to protect the rights and interest of his client. As a result, the appeal of the civil case was deemed abandoned and dismissed on authority of Sec. 1 (e), Rule 50 of the 1996 Rules of Civil Procedure.

Cabauatan filed a complaint to the Integrated bar of the Philippines (IBP) thru its Commission on Bar Descipline (CBD) against respondent Atty Freddie A. Venida for serious misconduct and gross neglect of duty. In an order dated June 14, 2007, CBP directed respondent to file his answer within 15 days from receipt but respondent failed to file his answer. Respondent also failed to appear the mandatory conference despite notice from the investigating commissioner. Thus, he was deemed to have waived his right to be present and to submit evidence in his behalf.

Ratio Decidendi

The court adopts the findings and recommendation of the IBP that the Code of Professional Responsibility pertinently provides: Canon 17 – A lawyer owes fidelity to the cause of his client and he shall be mindful of the trust and confidence reposed on him.

Canon 18 – A lawyer shall serve his client with competence and diligence.

x x x x

Rule 18.03 – A lawyer shall not neglect a legal matter entrusted to him, and his negligence in connection therewith shall render him liable.

Rule 18.04 – A lawyer shall keep the client informed of the status of his case and shall respond within a reasonable time to the client's request for information.

It is beyond dispute that complainant engaged the services of respondent to handle her case which was then on appeal before the Court of Appeals. However, respondent merely showed to complainant the draft of the pleading "Appearance as Counsel/ Dismissal of the Previous Counsel and a Motion for Extension of time to File a Memorandum" but failed to file the same before the appellate court. Plainly, respondent had been remiss and negligent in handling the case of his client; he neglected the legal matter entrusted to him by the complainant and he is liable therefor.

In addition, we concur with the findings of the IBP that respondent is guilty of disregarding its notices and orders. Respondent did not heed the IBP's Order to file his Answer. He also disregarded the IBP's directives for him to attend the mandatory conference. Moreover, he did not submit his Position Paper despite receipt of notice. Respondent's refusal to obey the orders of the IBP "is not only irresponsible, but also constitutes utter disrespect for the judiciary and his fellow lawyers. His conduct is unbecoming of a lawyer, for lawyers are particularly called upon to obey court orders and processes and are expected to stand foremost in complying with court directives being themselves officers of the court."

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WHEREFORE, respondent Atty. Freddie A Venida is SUSPENDED from the practice o law for one year17 effective immediately, with WARNING that a similar violation will be dealt with more severely. He is DIRECTED to report to this Court the date of his receipt of this Resolution to enable this Court to determine when his suspension shall take effect.

Let a copy of this Resolution be entered in the personal records of respondent as a member of the Bar, and copies furnished the Office of the Bar Confidant, the Integrated Bar of the Philippines, and the Office of the Court Administrator for circulation to all courts in the country.

SO ORDERED.